



# SENATE BILL 60: Disapprove Various Solid Waste Rule Changes.

2021-2022 General Assembly

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<b>Committee:</b>		<b>Date:</b>	February 7, 2022
<b>Introduced by:</b>		<b>Prepared by:</b>	Jennifer McGinnis
<b>Analysis of:</b>	S.L. 2021-153		Staff Attorney

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**OVERVIEW:** *S.L. 2021-153 requires the Environmental Management Commission (EMC) to readopt certain rules governing permitting and operation of municipal solid waste (MSW) and construction and demolition debris (C&D) landfills in accordance with specific criteria set forth in the bill, and requires the Department of Environmental Quality (DEQ) to implement the rules subject to those criteria until permanent rules are adopted.*

*This act became effective September 16, 2021. The provisions will expire when permanent rules are adopted as required by the act.*

## CURRENT LAW/BACKGROUND:

[N.C. Gen. Stat. §150B-21.3A](#), adopted in 2013, requires State agencies to review existing rules every 10 years. In 2020, the Division of Waste Management (Division) of DEQ initiated the readoption process for rules governing non-hazardous solid waste under Subchapter 13B of Title 15A of the State's Administrative Code, which includes the rules subject to this disapproval legislation.

The rules subject to this act govern various aspects of permitting and operation of C&D and MSW landfills. Several of these rules were adopted in 1993, and others were adopted in 2007 – none have been amended since they originally became effective. Amendments to these rules were adopted by the EMC in July 2020, and approved by the Rules Review Commission in October 2020, and included many technical changes as well as substantive changes.

**BILL ANALYSIS:** The act requires the EMC to readopt the following rules governing permitting and operation of MSW and C&D landfills in accordance with specific criteria set forth in this act, and requires DEQ to implement the rules subject to those criteria until permanent rules are adopted:

- [15A NCAC 13B .0533](#) (General Application Requirements and Processing for C&DLF Facilities)
- [15A NCAC 13B .0535](#) (Application Requirements for C&DLF Facilities)
- [15A NCAC 13B .0543](#) (Closure and Post-Closure Requirements for C&DLF Facilities)
- [15A NCAC 13B .0544](#) (Monitoring Plans and Requirements for C&DLF Facilities)
- [15A NCAC 13B .0545](#) (Assessment and Corrective Action Program for C&DLF Facilities and Units)
- [15A NCAC 13B .1603](#) (General Application Requirements and Processing)
- [15A NCAC 13B .1617](#) (Application Requirements for MSWLF Facilities)
- [15A NCAC 13B .1627](#) (Closure and Post-Closure Requirements for MSWLF Facilities)

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- [15A NCAC 13B .1631](#) (Groundwater Monitoring Systems)
- [15A NCAC 13B .1632](#) (Groundwater Sampling and Analysis Requirements)
- [15A NCAC 13B .1633](#) (Detection Monitoring Program)
- [15A NCAC 13B .1634](#) (Assessment Monitoring Program)
- [15A NCAC 13B .1635](#) (Assessment of Corrective Measures)
- [15A NCAC 13B .1636](#) (Selection of Remedy)
- [15A NCAC 13B .1637](#) (Implementation of the Corrective Action Program)

The act directs that the above-listed rules be implemented in accordance with the following provisions:

- Require the owner or operator of a C&D or a MSW landfill to submit a notice of intent to close the final unit (notice of closure) to the Division 180 days prior to beginning closure of the final permitted landfill unit, with specific information set forth in the act. The Division must issue a permit for closure and post-closure care that incorporates the plans identified in the notice of closure, without otherwise requiring submittal of a permit application for closure. Owners or operators that closed all waste disposal units at the landfill prior to the date this act became law must not be required to submit a notice of closure. If a closure and post-closure care permit has not already been issued for these facilities prior to the date this act became law, the Division must issue a permit for closure and post-closure care that incorporates the plans for closure and post-closure care that were included in the most recent permit to operate issued for the facility.
- Establish the information required for an application for an amendment to a permit for a C&D or a MSW landfill submitted solely for a change in ownership or corporate structure.
- Remove all references to "interim maximum allowable concentrations" and "IMACs" in these rules.

**EFFECTIVE DATE:** This act became effective September 16, 2021. The provisions will expire when permanent rules are adopted as required by the act.